

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CECIL DUDGEON,

Plaintiff,

v.

KELLY CUNNINGHAM, CAREY
STURGEON, MELISSA SOHOLSTROM,
and JOSEPH MITROVICH,

Defendants.

Case No. C10-5372RBL

ORDER

THIS MATTER comes on before the above-entitled Court upon Plaintiff's Notice of Interlocutory Appeal pursuant to 28 U.S.C. § 1292(b) [Dkt. #22]. Having considered the entirety of the records and file herein, the Court finds and rules as follows:

Plaintiff filed in this Court a Notice of Interlocutory Appeal and also filed a Request for Permission to Appeal pursuant to 28 U.S.C. § 1292(b) in the Ninth Circuit Court of Appeals. Pursuant to Fed. R. App. P. 5 and Circuit Rule 3-1, a Notice of Appeal should not be filed when seeking permission to appeal. Therefore, the Clerk of this Court shall vacate the submission of the Notice of Appeal [Dkt. #22].

IT IS SO ORDERED.

The Clerk shall send uncertified copies of this order to all counsel of record, to the Ninth Circuit Court of Appeals, and to any party appearing pro se.

Dated this 21st day of September, 2010.


RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE